

### **REMARKS**

This is a full and timely response to the Office Action mailed June 24, 2008, submitted concurrently with a one month extension of time to extend the due date for response to October 24, 2008.

By this Amendment, claim 1 has been amended to more particularly define the present invention. Further, new claim 9 has been added to further protect a specific embodiment of the present invention (i.e. *an outer cover (26) for concealing the switch (60) therebehind*). Thus, in view of the amendments to claim 1, claim 6 has been canceled without prejudice or disclaimer to its underlying subject matter. Thus, claims 1-5 and 7-9 are currently pending in this application. Support for the claim amendments can be readily found variously throughout the specification and the original claims, see, in particular, FIGS 31A to 31C, of the present drawings.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

### **Rejections under 35 U.S.C. §103**

Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208 B1). Further, claims 3 and 4 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208 B1), and further in view of Westerweck et al. (U.S. Patent Publication No. 2004/0057720). Still further, claim 6 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208 B1), and further in view of Cooper et al. (U.S. Patent No. 5,704,554). Lastly, claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeffries et al. (U.S. Patent No. 5,221,050) in view of Coffee et al. (U.S. Patent No. 6,595,208 B1), and further in view of Doebler et al. (U.S. Patent Publication No. 2002/0100815). Applicant respectfully traverses these rejections.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations, and provide some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Here, in this case, none of the cited references, either alone or in the combinations set forth in the action, teach or suggest all of the limitations of the claims with particular emphasis on the limitations "*wherein said selector comprises a handle, a first tact switch, and a second tact switch*", "*said handle being engaged with a switch knob of said switch to be movable therewith, and having a portion selectively engageable with said first and second tact switches*", "*said first tact switch being mounted on a printed board and connected to operate said high voltage generator and said actuator for executing said spraying mode upon being pressed by said handle*", and "*said second tact switch being mounted on said printed board and connected to operate said actuator for executing said dripping mode upon being pressed by said handle*".

Applicant has amended claim 1 to more particularly distinguish the present invention over the teachings of Jeffries et al. and Coffee et al. More specifically, claim 1 has been amended to incorporate the following features:

1. *said selector (70) comprises a handle (71), a first tact switch (72), and a second tact switch (73),*
2. *said handle (71) being engaged with a switch knob (61) of said switch (60) to be movable therewith, and having a portion selectively engageable with said first and second tact switches (72, 73),*
3. *said first tact switch (72) being mounted on a printed board (80) and connected to operate said high voltage generator (40) and said actuator (36) for executing said spraying mode upon being pressed by said handle (71),*
4. *said second tact switch (73) being mounted on said printed board (80) and connected to operate said actuator (36) for executing said dripping mode upon being pressed by said handle (71).*

With the above incorporated features, the device of the present invention can select the mode and operate the selected mode in a sequence through only a simple and easy manipulation. That is, immediately after manipulating the handle (71) of the selector (70) to select the mode between the spray mode and the dripping mode, a simple depression of the switch knob (61) of the switch (60) causes the handle (71) to be depressed together for operating the selected mode.

In contrast, neither of the cited references explicitly teaches or suggests the dripping mode and the spray mode. Although the passage of Coffee et al. relied upon by the Examiner (column 11, line 7-33) does describe the spraying mode as apparent from the following description, *"This causes the piston to supply a metered dose of liquid to the outlet 33a where the liquid is electrohydrodynamically comminuted as described above"*, none of the cited references teach or suggest a technical problem of interlocking a mode selecting to an operation switch for realizing a simple switching manipulation including the mode selection and the operation of the selected mode. Hence, the above incorporated features of claim 1 solving the above noted technical problem could not be derived from the combination of the cited references of Jeffries et al. and Coffee et al. Thus, Applicant believes that the present invention is not obvious over the teachings and suggestions of Jeffries et al. and Coffee et al.

Further, Applicant also wishes to note that the feature of dependent claim 3 enhances user's operability by a concentrated arrangement of the switch and the selector, which is clearly distinguishable from the teachings of Jeffries et al., Coffee et al. and, in particular, Westerweck et al. Thus, for also this reason, withdrawal of the rejection is respectfully requested.

Still further, since the combination of Jeffries et al. and Coffee et al. do not teach or suggest the present invention, Applicant believes that further combinations of Jeffries et al. and Coffee et al., with any other reference (i.e. Westerweck et al., Cooper et al., and Doebler et al.) against the remaining dependent claims cannot be sustained and should be withdrawn.

In addition to the above, Applicant also notes that claims 2-5 and 7-9 depend directly or indirectly from amended claim 1 and include all of the features of amended claim 1. Thus, it is respectfully submitted that claims 2-5 and 7-9 are allowable at least for the reasons claim 1 is allowable as well as for the features they recite.

Further, Applicant asserts that there are also reasons other than those set forth above why the pending claims are patentable. Applicant hereby reserves the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

**Obviousness-Type Double Patenting Rejection**


Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of copending U.S. Patent Application Nos. 10/588,437, 10/588,758, and 10/588,729. Applicant respectfully traverses these rejections. However, in the interest of expediting the prosecution of the present application, Applicant has submitted herewith terminal disclaimers for U.S. Patent Application Nos. 10/588,437, 10/588,758, and 10/588,729 in accordance with U.S. practice. Thus, withdrawal of these rejections is respectfully requested.

### CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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Respectfully submitted,

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